

**Amendments to the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1.(currently amended) Device for the non-contact measurement of the position of the teeth of a workpiece with pre-cut teeth, which is set up for fine machining on the work spindle of a gear finishing machine, said work spindle being rotatable about a rotary axis and said gear finishing machine having a machine bed, said device comprising:

a retractable measuring probe, which is moveable in a fixed swivel plane between ~~only~~ a first fixed measuring position and a second fixed retracted position, said swivel plane being parallel to or coinciding with said rotary axis; and

a double parallelogram linkage that comprises two parallelogram linkages between which said swivel plane is disposed, said two parallelogram linkages having identical swivel axes perpendicular to said swivel plane and being connected to move synchronously to one another, and said double parallelogram linkage having first and second ends;

~~including~~ a holder carrying said probe, said holder being arranged between and connecting said two parallelogram linkages at the first end of said double parallelogram linkage, such that said probe is protected by said two parallelogram linkages when being in said second fixed retracted position; and ~~the parallelogram linkage possessing~~

a base member opposite ~~the~~said holder, ~~for the rigid connection~~ said base member being rigidly connected to  
at the machine bed or a work spindle housing, said base member being arranged between and connecting said parallelogram linkages at the second end of said double parallelogram linkage.

2. (canceled)

3. (currently amended) Device according to claim 1 ~~or 2~~, wherein the holder is swivellable through a fixed given angle from stop to stop.

4. (previously presented) Device according to claim 1, wherein a rotary drive is provided for the swivelling of the holder, operated hydraulically, pneumatically or by electric motor.

5. (previously presented) Device according to claim 1, wherein the rotary joints of the parallelogram linkage consist of non-clearance pre-loaded roller bearings.

6. (previously presented) Device according to claim 1, wherein the parallelogram linkage possesses two rotary joints for each swivel axis, the distance between which corresponds at least with the length of the shorter parallelogram members.

7. (previously presented) Device according to claim 1, wherein the measuring probe is arranged for displacement and clamping parallel to its axis.

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8. (previously presented) Device according to claim 1, wherein the measuring probe is arranged in a holder column for displacement and clamping at right angles to its axis.

9. (original) Device according to claim 8, wherein the holder column is arranged for displacement and clamping in the holder at right angles to the axis of the measuring probe.

10. (previously presented) Device according to claims 1, wherein the holder is swivel-connected to the base member via members and rotary joints.

11-24. (cancelled)